

Interview Summary

In an August 27, 2008 a telephone interview between the undersigned and Examiners Michael A. Band and Alexa Neckel, the examiners indicated that the 112(1) rejection of claim 27 (identified as 26) was withdrawn.

The Bergmann et al. and Zabinski et al. references were discussed. The undersigned indicated that these both involved a remote sputtering target and a separately-introduced sputtering gas. I argued that this would not entail the claim 27 pressure and would not entail the claim 1 use of the ions of the first material to sputter the second material. The Office had not articulated any substantial amount of the first material reaching the target. Even if a vanishingly small amount were to reach the target, this would not constitute anticipation in view of the previously-cited *In re Ratigan* and *Ex parte Hartmann* cases.

Regarding the claim 27 pressure (now incorporated into claims 1 and 19), the examiners were not sure that the identified col. 3, line 33 Zabinski et al. pressure (0.001 torr) was a resulting chamber pressure as opposed to a source pressure. The undersigned submitted that the “to a pressure” indicated that it was a resulting chamber pressure. The examiners agreed to take a further look at the pressure issue and to consider the cited cases.

Examiner Neckel, however, proposed that incorporation into the independent claims of the claim 3 (now re-presented as claim 28 and incorporated into independent claim 14 with amendment to claim 18 for antecedence) element that “the sputtering target encircles an ion flowpath from a source of the first components to the part” would distinguish the discrete remote sputtering targets of the references.

In a follow-up telephonic interview of September 9, 2008 between the undersigned and Examiner Michael A. Band, the undersigned queried whether the Office had further considered the cases cited and the issue of pressure and in the interest of advancing examination, the undersigned offered to incorporate the claim 27 pressure into the independent claim. The examiner noted US5514260 of Seo which, at, col. 5, line 3 identifies a pressure of “about  $10^{-4}$  torr”. The undersigned, however, noted that this was a pressure in one of two separate chambers wherein the deposition processes are separately carried out. Seo identifies the use of throttle valves 4 “to maintain the two chambers under different and appropriate pressures.” The other pressure was indicated as being higher at col. 4, line 34. The undersigned submitted it was not clear how Seo could be applied against the present claims. The examiner indicated this would be

the subject of further consideration. The undersigned indicated an intention to present the proposed incorporation of pressure into the independent claim.